

Section 1303. Visible Intermodal Prevention and Response Teams

There is no comparable House provision.
There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) practice of deploying security teams, known as Visible Intermodal Prevention and Response teams (VIPR), to augment the security of any mode of transportation. This provision authorizes the Secretary to determine, consistent with ongoing security threats, when a VIPR team should be deployed and for what duration, in coordination with local law enforcement. The provision also allows the Secretary to use any asset of the Department, including Federal Air Marshals, Surface Transportation Security Inspectors, canine detection teams, and advanced screening technology as part of VIPR teams. Under this section, the Secretary would be required to consult with local law enforcement and security officials and transportation entities directly affected by VIPR deployments, prior to and during deployments of VIPR teams to ensure coordination and operation protocols. This section authorizes such sums as necessary annually from FY 2008–2011 to cover costs associated with the VIPR program.

Section 1304. Surface Transportation Security Inspectors

There is no comparable House provision.
There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) Surface Transportation Security Inspectors (STSIs) program and includes language addressing the mission and authorities of the inspectors, requiring coordination and consultation with the Department of Transportation (DOT) and affected entities, and providing limitations regarding the issuance of fines and civil penalties against public transportation agencies and for violations of administrative and procedural requirements of the Act. Additionally, the Conference substitute requires the Secretary to increase the number of STSIs employed by TSA, up to a level of 200 STSIs in FY 2010 and FY 2011, and requires the DHS Inspector General to issue a report to the appropriate Congressional Committees regarding the performance and effectiveness of STSIs, the need for additional inspectors, and other recommendations. The provision also authorizes the following amounts for the STSI program: \$11.4 million for FY 2007, \$17.1 million for FY 2008, \$19.95 million for FY 2009 and \$22.8 million for FY 2010 and 2011, respectively.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

Section 1305. Surface transportation security technology information sharing

There is no comparable House provision.
There is no comparable Senate provision.

The Conference substitute adopts a new provision that would require the Secretary, in consultation with the Secretary of Transportation, to establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities and State, local, and tribal governments that provide security assistance to such entities. The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.

The provisions allow the Secretary to include in such information whether the technology is designated as a qualified antiterrorism technology under the SAFETY Act, as appropriate, and requires the Secretary to ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.

Section 1306. TSA personnel limitations

There is no comparable House provision.

Section 1451 of the Senate bill provides that any statutory limitation on the number of Transportation Security Administration employees shall not apply to employees carrying out this title.

The Conference substitute adopts the Senate provision as it applies to this title and titles XII, XIV, and XV of the Conference substitute.

Section 1307. National Explosives Detection Canine Team Training Program

There is no comparable House provision.

Section 1476 of the Senate bill directs the Secretary to enhance the National Explosive Detection Canine Team Program and maximize canine training capacity so that up to 200 additional dogs can be certified each year, starting at the end of calendar year 2008. The Secretary would be given flexibility across transportation modes to use as needed and deemed necessary. The provision encourages the Secretary to review potential benefits of establishing new canine training partnerships throughout the United States.

The Conference substitute adopts the Senate provision as modified. The modified provision requires the Secretary to increase the number of explosives detection canine teams certified by the TSA for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010 and encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.

To increase the number of explosives detection canine teams, the Secretary shall use a combination of methods including the use and expansion of TSA's National Explosives Detection Canine Team Training Center; partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector; and procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, provided they are trained in a manner consistent with the standards and requirements developed pursuant to this section or other criteria developed by the Secretary.

The Secretary is also required to establish criteria that include canine training curricula, performance standards, and other requirements approved by TSA as necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained. In developing and implementing such curricula, performance standards, and other requirements, the Secretary would be required to coordinate with key stakeholders to develop best practice guidelines for such a standardized program; ensure that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.

The Conference substitute also requires the Secretary to use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network. The Secretary may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate. The Secretary is also required to make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary and shall encourage, but not require, transportation facilities or systems to deploy TSA-certified explosives detection canine teams.

The Conference substitute requires the Secretary, acting through the TSA Administrator, to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price using available procurement methods and increased domestic breeding, if appropriate. Additionally, the Comptroller General is required to report to the appropriate Congressional Committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program. Finally, the Conference substitute authorizes such sums as may be necessary to carry out this section for Fiscal Years 2007 through 2011.

The Conferees note that the definition of "explosives detection canine team" as a "canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary" is intended to ensure that individual canine teams that are trained to detect any of these specific materials listed are eligible under this section. The Conferees recognize that explosives detection canines are not trained to additionally detect chemical, nuclear or biological weapons and that, at present, such teams cannot detect radiological materials. Further, the Conferees recognize that canines are trained to detect specific threats and cannot, at this time, effectively be cross-trained to identify multiple threats. In requiring the TSA to develop canine training curriculum and performance standards under this section, the Conferees expect TSA to do so for those threats within the definition that are currently applicable to canine team detection. However, the Conferees trust that TSA will explore opportunities to train and/or acquire canines that are able to detect new and emerging threats, such as chemical, radiological, nuclear and biological weapons. To that end, the Conferees expect that prior to developing and distributing canine training curriculum and performance standards under this section,